

SENATE BILL 2166

By Massey

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 30, relative to proceedings against state
employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-30-318(h)(1)(A), is amended by deleting the last sentence of the subdivision and substituting instead the following:

If the appointing authority does not issue a decision within fifteen (15) days after the appointing authority receives the complaint, the complainant employee must be reinstated to the employee's position in the preferred service and the employing state agency is prohibited from dismissing, demoting, or suspending the employee on the same grounds.

SECTION 2. Tennessee Code Annotated, Section 8-30-318(h)(1)(A), is amended by adding the following language after the second sentence of the subdivision:

The appointing authority shall provide to the complainant in advance of the meeting a copy of any and all documents or other evidence in the appointing authority's possession that is relevant to the meeting, including, but not limited to, reports, videos, and recordings. The appointing authority must make all reasonable efforts to gather all relevant documents and evidence that is germane to the meeting prior to conducting the meeting for purposes of providing such information to the complainant. Any documents or evidence in possession of the appointing authority prior to the meeting that was not provided to the complainant in accordance with this subdivision (h)(1)(A) must not be considered by the appointing authority for purposes of issuing a decision.

SECTION 3. Tennessee Code Annotated, Section 8-30-318(h)(1)(B)(i), is amended by deleting the last sentence of the subdivision and substituting instead the following:

If the commissioner does not issue a decision within thirty (30) days after the commissioner receives the complaint, the complainant employee must be reinstated to the employee's position in the preferred service and the employing state agency is prohibited from dismissing, demoting, or suspending the employee on the same grounds.

SECTION 4. Tennessee Code Annotated, Section 8-30-318(h)(1)(B)(i), is amended by deleting the second sentence of the subdivision and substituting instead the following:

The commissioner of human resources shall review the complaint and the appointing authority's decision, meet with the complainant in person, and issue a decision, in writing, not later than thirty (30) days after the date the complaint was filed with the commissioner. The commissioner shall provide to the complainant in advance of the meeting a copy of any and all documents or other evidence in the commissioner's possession that is relevant to the meeting, including, but not limited to, reports, videos, and recordings. The commissioner must make all reasonable efforts to gather all relevant documents and evidence that is germane to the meeting prior to conducting the meeting for purposes of providing such information to the complainant. Any documents or evidence in possession of the commissioner prior to the meeting that was not provided to the complainant in accordance with this subdivision (h)(1)(B)(i) must not be considered by the commissioner for purposes of issuing a decision.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.